

FILED

IN THE UNITED STATES DISTRICT COURT

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

FOR THE DISTRICT OF NEW MEXICO

OCT 06 2011

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARK L. SEDILLO,

Defendant.

BAK RFB

ACB

10/6/11

MATTHEW J. DYKMAN

CLERK

No. CIV 11-0342 JB/KBM
No. CR 08-1419 JB

**MEMORANDUM OPINION AND ORDER ADOPTING MAGISTRATE
JUDGE'S PROPOSED FINDINGS AND RECOMMENDED DISPOSITION**

THIS MATTER comes before the Court on the Magistrate Judge's Proposed Findings and Recommended Disposition, filed September 2, 2011 (Doc. 20 in the civil case). The Honorable Karen B. Molzen, Chief United States Magistrate Judge, recommends that the Court: (i) approve the parties' Stipulations filed September 2, 2011 (Doc. 19); (ii) permit Defendant Mark Sedillo to execute the written Amendment to Plea Agreement, which is attached as an exhibit to the Stipulations; and (iii) re-sentence Sedillo in accordance with that amended plea agreement. In light of the parties' stipulations and agreement, the parties waived a period for objections and agreed that this matter should be submitted immediately to the Court for its consideration. See Stipulations at 4 ¶ 13. Having reviewed the submissions, the Court agrees with Chief Judge Molzen that implementation of the parties' agreed settlement of this habeas matter comports with the interest of justice.

BAK RFB

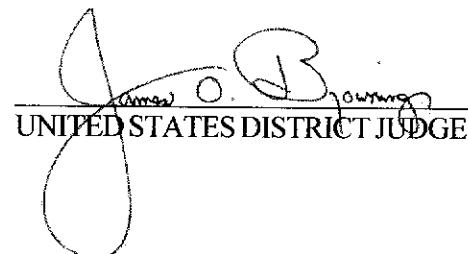
IT IS ORDERED that: (i) the Chief Magistrate Judge's Proposed Findings and Recommended Disposition, filed September 2, 2011 (Doc. 20), are adopted; (ii) Defendant Mark L. Sedillo be returned to the District of New Mexico for a hearing at which the Amendment to Plea

for Q. 2
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Agreement be accepted pursuant to the parties' agreement, in open court; (iii) at the time that the Amendment to Plea Agreement is accepted, Sedillo be re-sentenced to a sentence of time served, *for SAGV* followed by one year of supervised release; (iv) Sedillo be immediately released from incarceration at the conclusion of the hearing before the Court when the Amendment to Plea Agreement is accepted and Sedillo is re-sentenced *for SAGV* and (v) upon the Court's acceptance of the Amendment to Plea *for SAGV* Agreement and his re-sentencing in accordance with that agreement, Sedillo's § 2255 motion shall be deemed granted in accordance with the stipulations of the parties. All Sedillo's remaining claims shall be dismissed with prejudice.

for SAGV
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for SAGV
note Q.1


 UNITED STATES DISTRICT JUDGE

Counsel:

Kenneth J. Gonzales
 United States Attorney
 Louis E. Valencia
 Laura Fashing
 David Walsh
 Assistant United States Attorney
 United States Attorney's Office
 District of New Mexico
 Albuquerque, New Mexico

Attorneys for the Plaintiff

Benjamin A. Gonzales
 Assistant Federal Public Defender
 Federal Public Defender's Office
 Albuquerque, New Mexico

Attorney for the Defendant